APPEAL NO. 022654
FILED NOVEMBER 27, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing (CCH) was held on September 24, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable repetitive trauma injury, with a date of injury of _____, and had disability from April 24 through June 5, 2002. The appellant (self-insured) appeals, arguing that there is no documented injury, that the claimant did not perform repetitive work, and that the hearing officer did not consider the videotape admitted into evidence in determining disability. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury and that he has had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH on the disputed issues. The hearing officer could consider the claimant's testimony and the medical reports. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). We conclude that the determinations are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The self-insured alleges that the hearing officer did not consider the videotape in determining disability. We find this contention to be without merit. The hearing officer stated on the record that she would watch the videotape. Additionally, the videotape admitted into evidence was surveillance of the claimant on August 10, 2002, a date after the time the hearing officer found disability ended. Further, the Appeals Panel stated that the 1989 Act does not require that the Decision and Order of the hearing officer include a statement of the evidence and that omitting some of the evidence from a statement of the evidence did not result in error. Texas Workers' Compensation Commission Appeal No. 000138, decided March 8, 2000, citing Texas Workers' Compensation Commission Appeal No. 94121, decided March 11, 1994. The failure to summarize all of the evidence in the Decision and Order does not indicate reversible error.

We affirm the decision and order of the hearing officer.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Gary L. Kilgore
Appeals Judge

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Thomas A. Knapp
Appeals Judge